

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**

**OFFICER: CALVIN SEARCY
TAX NUMBER: 951 228**

DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Police Department has deemed substantiated an allegation that on or about from March 5, 2013, Calvin Searcy committed the violation of Department Rule Violation of TVB [Traffic Violations Bureau] – Non-Appearance.
2. The New York City Civilian Complaint Review Board (CCRB) substantiated for Calvin Searcy allegations of Force – Physical Force, Discourtesy – Word, and Abuse of Authority - Other.

As described in relevant summary by the CCRB investigator, a complainant reported to the CCRB that on October 23, 2014, at approximately 5:30 p.m., the complainant was inside Harold Hunter Skate park, located under the Manhattan Bridge. The complainant observed Officer Calvin Searcy and a second officer, both assigned to the 5th Precinct, enter the park and approach a young man. This young man then ran out of the park and away from Officer Searcy and the second officer. The officers did not pursue him and instead approached a second young man. The complainant stated that both young men were between fifteen and sixteen years old. Upon observing Officer Searcy and the second officer approach the second young man, the complainant approached and got about four to five feet in distance from Officer Searcy, the second officer, and the second young man. The complainant asked the officers why they were arresting the second young man, and wanted to know what was happening so that he would be able to relay the incident to the second young man's parents. The second officer informed the complainant that they had received a radio call regarding a fight with a knife, and told the complainant that he should not be concerned. The complainant stated that he needed to be concerned and explained that the situation looked "weird" to him. Officer Searcy then allegedly called the complainant an "asshole." Officer Searcy and the second officer began to walk away, and the second young man began to tell the complainant what had occurred between himself and the officers. Officer Searcy turned around and walked towards them stating, "Hey, shut up. Shut up. Why are you still talking? Shut up." The complainant turned to the second young man and told him to be quiet because Officer Searcy was going to "play the bully card." Officer Searcy then told the complainant to shut up, and the complainant told Officer Searcy that he was a grown man and did not need to shut up, and went on to state, "You can't pull that shit with me. I'm not talking to

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you. I know my rights.” Officer Searcy responded to the complainant stating, “Oh you’re a grown man. Tough guy,” and also told the complainant, who was holding his skateboard at his side, “Why don’t you put your skateboard down and prove to me you’re a tough guy.” The complainant responded that he was not going to put down his skateboard. At this time, Officer Searcy grabbed the complainant’s coat near the zipper on his upper chest with his right hand and pushed the complainant back and forth while simultaneously grabbing the complainant’s skateboard with his left hand. Officer Searcy

again told the complainant to put down his skateboard and to prove to Officer Searcy that he was a “tough guy.” The complainant replied that he was not going to put down his skateboard and asked that Officer Searcy stop touching him. Officer Searcy again grabbed the complainant in the same manner near his coat zipper on his upper chest and shook him back and forth. As Officer Searcy was doing this, he stated to the complainant, “What’s up, you’re gonna do what? You’re gonna do what? Tough guy.” The complainant did not make any statements or movements, and Officer Searcy then asked him for identification several times. The complainant inquired as to why Officer Searcy wanted to see his identification. Officer Searcy then reached for his handcuffs and the complainant turned to walk away. Officer Searcy and the second officer grabbed him by the front of his chest and pushed the complainant backward over a skateboard obstacle that was behind him. The complainant landed on the ground on his back as Officer Searcy attempted to arrest the complainant for disorderly conduct and obstruction of governmental administration.

In relevant summary, the CCRB determined as follows.

During Officer Searcy’s CCRB interview, he stated that he did not recall calling the complainant a “fool” or an “asshole,” and the second officer denied that either he or Officer Searcy called the complainant a “fool” or an “asshole.” Officer Searcy did not explicitly deny making the alleged remarks. Although Officer Searcy is not heard calling the complainant an “asshole,” on video footage of the incident, a male voice is heard stating, “You know what. You’re a fool,” during a conversation taking place with the complainant. It is likely that the male heard on the video footage provided by the complainant is Officer Searcy. In addition, the investigation found the complainant to be credible because his account of the incident was supported by the video footage, and the complainant did not exaggerate his role in the incident and was forthcoming about resisting arrest while he was on the ground. Conversely, the investigation found that Officer Searcy and the second officer were both not credible in their accounts of the incident. During Officer Searcy’s CCRB statement, he stated that as he was interacting with the first young man and the second officer was interacting with the second young man, the complainant approached and caused the first young man to flee the scene. However, the video footage provided by the complainant depicted that there was only one male present on the scene, the second

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young man, and that both the second officer and Officer Searcy were interacting with him when the complainant approached. Further, Officer Searcy also described that subsequent to grabbing the complainant to arrest him, the complainant began resisting and waving his arms around, causing Officer Searcy to fear for his safety. However, this account conflicts with what is depicted in the video footage, which shows that the complainant was not waving his arms around or acting in a threatening manner towards Officer Searcy before Officer Searcy began to effect his arrest. Because the officers did not provide credible testimony, whereas the complainant did, which was supported by video evidence, the investigation determined that Officer Searcy called the complainant an “asshole,” a “fool,” and a “tough guy” in violation of NYPD Patrol Guide procedure 203-09.

According to Officer Searcy, as he was interacting with the first young man, the complainant approached inquiring about why the officers were interacting with the first young man, which ultimately led the first young man to flee from the scene. Following this, Officer Searcy asked the complainant numerous times for his identification, and upon the complainant’s failure to provide his identification, Officer Searcy informed the complainant that he was going to be placed under arrest. Officer Searcy reached for the complainant’s arm and shoulder and the complainant immediately resisted and waved his arms around, which Officer Searcy also noted in the arrest report narrative. Officer Searcy denied that he grabbed the complainant near his upper chest and shook him back and forth, and stated that he feared for his safety as a result of the complainant’s behavior. As Officer Searcy was grabbing the complainant by his arm to handcuff him, the second officer also grabbed for his arm to assist. It was during this time that a third and fourth officer approached and assisted in handcuffing the complainant. Officer Searcy stated that the complainant fell to the ground and was not pushed over the obstacle or to the ground. As depicted in the video footage provided by the complainant, he approached Officer Searcy as he was interacting with the second young man. The video does not depict the officers’ interaction with the first young man or capture him fleeing the scene. Additionally, the video footage depicts that a crowd did not form around Officer Searcy and the second officer (as the second officer testified). All officers essentially testified that at the time Officer Searcy attempted to effect the complainant’s arrest, the complainant was not providing his arms to the officers, and that he was not pushed backward or tackled to the ground. However, as depicted in the video footage provided by the complainant, at approximately 1 minute and 32 seconds, the complainant and Officer Searcy are observed standing face to face and the complainant has his hands at his sides. Officer Searcy is observed grabbing the complainant by his zipper near his upper chest and pushing him back and forth twice, all while the complainant has his hands at his sides. The video footage also depicts Officer Searcy and the second officer grabbing the complainant and pushing him aggressively backwards, over a skateboard obstacle and onto the ground. The

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complainant never becomes combative and at no point exhibits the behavior described by the second officer and by Officer Searcy in their CCRB statements and in the arrest narrative. Based on the totality of the circumstances, the investigation determined that the complainant was not in fact acting violently or flailing his arms at this time or moving his body in any way that would justify the force used against him by Officer Searcy and the second officer. Additionally, the investigation found that the complainant was credible and his testimony was consistent with the video footage, which indicated that he neither committed disorderly conduct nor obstruction of governmental administration in that he did not interfere with or obstruct the officers from performing an official function and therefore did not resist an authorized arrest.

Officer Searcy pleaded guilty to related New York City Police Department Charges and Specifications that he (1) was discourteous to a person in that he stated in sum and substance to that person: You know what, you're a fool, you're an asshole, put down your skateboard, tough guy; (2) wrongfully used force against that person in that, without police necessity, he grabbed the person by the zipper of his coat and pushed him backwards over a skateboard obstacle and onto the ground; and (3) arrested that person without sufficient legal authority.

3. The CCRB substantiated for Calvin Searcy an allegation of Discourtesy – Gesture. The CCRB determined that on November 20, 2018, Officer Searcy gestured discourteously towards a member of the public (by displaying his middle finger). As determined in relevant summary by the CCRB investigator, at approximately 12:27 p.m., on November 20, 2018, the complainant, an unidentified man, rode a bicycle through Sara D. Roosevelt park near the intersection of Chrystie Street and Stanton Street in Manhattan. At the time, Officer Searcy and a second officer from the 5th Precinct were conducting a directed patrol inside the park in an unmarked sedan. As the officers drove down a walkway inside the park, the man took out his cell phone to record them. Officer Searcy held up his middle finger and displayed it to the man. The officers then drove away. The man was not arrested or issued a summons as a result of this incident. The man posted on social media the video of the incident that he had recorded. The video is 0:20 seconds long. It shows two plainclothes officers, identified as Officer Searcy and the second officer, driving down a pedestrian walkway inside a park in an unmarked sedan. Officer Searcy is in the driver's seat, with the driver's window rolled halfway down. The complainant approaches the driver's side of the unmarked sedan. At 0:09 seconds into the recording, Officer Searcy holds up and displays the middle finger on his left hand towards the camera. The sedan continues driving past the complaint. The complainant and the officers have no further interactions. Officer Searcy stated to CCRB that he and the second officer were approached twice by an unidentified man while they were on patrol in the park. During his first approach, the man called the officers "goons" and told them that they

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should not drive their vehicle on pedestrian walkways. Officer Searcy and the second officer did not say anything in response. The officers drove away from the man, but later made a U-turn and drove back in the direction they had come from. When they did this, the man approached them a second time. He did not say anything at that time, and instead held up his cell phone. Officer Searcy responded by holding up his middle finger towards the man. Officer Searcy acknowledged that the gesture was rude. He explained that he made the gesture towards the man because he was upset and frustrated by the man's criticism. Officer Searcy drove away after making the gesture and had no further interaction with the man. It is undisputed that Officer Searcy made a rude and discourteous gesture towards the complainant. This gesture had no legitimate law enforcement purpose and was intended only to express Officer Searcy's frustration with the complainant.

4. As of February 10, 2021, the CCRB has pending against Calvin Searcy allegations of Abuse of Authority – Threat of Force (Verbal or Physical), Offensive Language – Race, Offensive Language – Gender, and Discourtesy – Word. These allegations were made on January 15, 2021 about an incident on that date.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

Date: February 18, 2021